MICHAEL N. FEUER (SBN 111529)
City Attorney
GABRIEL S. DERMER (SBN 229424)
Assistant City Attorney
ARLENE N. HOANG (SBN 193395)
Deputy City Attorney
RUTH M. KWON (SBN 232569)
Deputy City Attorney
200 N. Main Street, City Hall East, Room 675
Los Angeles, CA 90012
Telephone (213) 978-7508/6952; Facsimile (213) 978-7011
arlene.hoang@lacity.org/ruth.kwon@lacity.org

Attorneys for Defendant
CITY OF LOS ANGELES

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

REX SCHELLENBERG, an individual,

Plaintiff,

vs.

THE CITY OF LOS ANGELES, a municipal entity; Does 1-10,

Defendant.

Case No.: CV 18-07670 CAS (PLAx)

DECLARATION OF RUTH KWON IN SUPPORT OF REPLY OF DEFENDANT CITY OF LOS ANGELES TO PLAINTIFF'S OPPOSITION TO DEFENDANT'S MOTION TO EXTEND TIME TO RESPOND TO THE INITIAL COMPLAINT [DKT. 1], AND TO STRIKE THE FIRST AMENDED COMPLAINT [DKT. 13]

Date: March 25, 2019
Time: 10:00 a.m.
Courtroom: 8B
Hon. Christina A. Snyder
United States District Judge

DECLARATION

I, RUTH KWON, hereby declare as follows:

1. I am an attorney at law duly licensed to practice before this Court. I am a Deputy City Attorney for the City of Los Angeles and am counsel of record for Defendant in this action. I make the following statements based upon my personal knowledge and a review of the case files.

2. On or about January 23, 2019, Deputy City Attorney Arlene N. Hoang and I were assigned to represent the City in the present action.

3. Based upon my review of the case files assembled prior to my participation in the case, the City does not have any written record confirming that Plaintiff's property was taken on July 14, 2017. It is the City's initial assessment that Plaintiff's claim does not have a basis in fact or law.

4. As for the four additional incidents alleged in the "First Amended Complaint," despite the efforts of City employees, not all the necessary documents have been compiled to establish basic facts and circumstances, including the accuracy of the dates alleged. It is my understanding that the difficulty lies in part in the number of different departments, divisions, and personnel, which must be contacted for the additional intersections (or thereabouts) where Plaintiff alleges his property was seized as well as the number of other reported incidents involving Plaintiff.

5. On January 28, Deputy City Attorney Hoang initiated the meet and confer by detailed letter explaining that the "First Amended Complaint" was a supplemental complaint required leave of court under Rule 15(d) of the Federal Rules of Civil Procedure ("Rule").

6. From January 28, 2019 through February 5, 2019, there was an ongoing exchange of written correspondence, including exchange of law and analysis, with Plaintiff's counsel, Carol Sobel and Monique Alarcon.

7. During the parties' Local Rule 7-3 telephonic meet and confer on January 31, Plaintiff's counsel observed that they could and might file another lawsuit for the additionally alleged claims to resolve the issues the City had raised. Plaintiff's counsel nonetheless insisted that no leave was required for their First Amended Complaint. In response to these and other statements I stated various reasons for why I believed leave of Court for a supplemental Complaint was required and beneficial under Rule 15(d) under the Government Claims Act, including prejudice to the non-moving party (here a government entity), the administrative exhaustion requirements, filing fees, and overcrowding of dockets.

8. I did not intend to suggest that the Plaintiff here was trying to avoid the payment of a filing fee. Indeed, Plaintiff's counsel had already suggested that they might file a new lawsuit containing the additional claims (thus incurring more fees) to resolve any issues.

9. After receiving an email mischaracterizing the statement I made during the call, I sent an email dated February 5, 2019 to Plaintiff's counsel correcting that impression. Attached as Exhibit A are the emails and letter exchanged, representing the written meet and confer correspondence with Plaintiff's counsel.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 11th day of March 2019 in Los Angeles, California.

/s/
RUTH M. KWON